

Summary of May 3, 2004 Family Law Monthly Meeting

Special Recognition of Sen. Cisco McSorley

The four family law judges presented NM Sen. Cisco McSorley with a framed Certificate of Appreciation for the time and effort he has spent in the legislature to improve the Family Court. Sen. McSorley has been very instrumental in obtaining funding for the Court's hearing officer staff. Sen. McSorley related that he is only one of five (5) lawyers in the legislature and attributed as a reason for the declining number of lawyers, the tremendous sacrifice in time and money extracted by legislative service.

Guardian Ad Litem "Brown Bag Luncheon"

Ms. Barbara Wasylenki of the Good Samaritan Center for Changing Families, announced that their organization will have a monthly brown bag luncheon meeting the first Monday of each month, beginning June 14, 2004 at noon at the Good Samaritan facility at 217 Locus N.E., Albuquerque. The purpose of the luncheon meeting will be for GAL's to discuss difficult cases.

Judge Walker related that it would be inappropriate for Judges to attend and listen to issues related to a pending case on that judge's docket.

Domestic Violence Cases- Emerging Issues

Judge Walker articulated a potential problem arising from the current procedure utilized for processing domestic violence proceedings articulated by the Court in Lucero vs. Lucero vs. Lucero, ____ N.M. ____, 43 State Bar Bull. No. 16 (2003) and arising from the Family Violence Protection Act, Section 40-13-4, NMSA, which provides that the district court shall "within ten days after the granting of the temporary order of protection, hold hearing on the question of continuing the order". Judge Walker suggested that any party aggrieved by an order of protection issued by a DV Commissioner, be brought to the attention of the District Court by Motion to Reconsider.

Case Management Issues

Judge Walker indicating a growing problem with attorneys submitting stipulated orders for continuing cases from her trial docket and indicated that such orders would not be routinely entered because of the loss of the Court's allocated time. Judge Jewell expressed the view that she will ordinarily grant one but only one such continuance and Judge Romero indicated that in Div XI, continuances of scheduled trials will ordinary not be granted, except as authorized by LR 2-106 regarding scheduling priorities.

Judge Walker indicated that a problem is emerging in the DR Division with regard to multiple cases being filed in the district involving the same child or children, as for example when a divorce case with custody issues is filed, and then a Kinship Guardianship case and a Grandparent Visitation case. The District's DR policy should be to consolidate the cases pursuant to Rule 1-042 A, when the custody issues are the same. Judge Walker then indicated that it should be the district's policy to allow the consolidation of child support enforcement cases with DM cases involving the same issues. Judge Romero's position was that it is very inefficient to do anything but to consolidate cases wherever practicable.

New Policies and Procedures

Tom Montoya, Esq. pointed out the form for Request for Setting form (# 4-110), Provisionally approved, effective August 15, 2003 until August 31, 2004) has a slot indicating the time requested for both petitioner and respondent.

Announcements

- June 16-18, 2004, Judicial Conclave

- July 16, 2004 Family Law Practice and Professionalism, Sponsored by the State Bar and Hispanic Bar Association.
- October 29-30,2004, Family Law Institute. Subject: Guardians Ad Litem.

Next Meeting